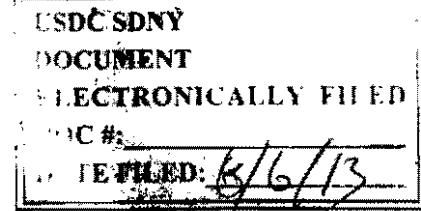


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
IN RE WORLD TRADE CENTER LOWER
MANHATTAN DISASTER SITE LITIGATION

:
: **ORDER SETTING HEARING**
: **ON OPEN MOTIONS**
:

: 21 MC 102 (AKH)
: 05 Civ. 3090
: 07 Civ. 5390
: 08 Civ. 2248
: 08 Civ. 2256
: 08 Civ. 2319
:

----- x
ALVIN K. HELLERSTEIN, U.S.D.J.:

In light of the discovery disputes raised by Defendants' motions to dismiss—
Plaintiffs David Vivar (07 Civ. 5390), Rolendio Cabrera (08 Civ. 2256), and Lucyna Foremska
(05 Civ. 3090) for failure to prosecute (Doc. No. 4781); and Plaintiffs Cristhian Tapia (08 Civ.
2248) and Seweryn Wojciechowski (08 Civ. 2319) for violating established discovery
procedures (Doc. No. 4758)—I am concerned that the pre-trial schedule established by the order
of March 22, 2013 (Doc. No. 4647) is likely to be jeopardized. Accordingly, I wish to hear from
counsel on June 12, 2013, at 10:30 a.m. on the following subjects:

- 1) Why Plaintiffs selected for intensive discovery are unwilling to submit to
depositions and how it is that Plaintiffs' counsel are unaware of, and have
failed to give notice of, Plaintiffs' reluctance;
- 2) What effect this situation is likely to have on the schedule of pre-trial
proceedings and the integrity of those proceedings; and
- 3) Why discovery obligations that should have been completed during the period
when parties were responding to Court-ordered interrogatories now appear not
to have been completed, and how Plaintiffs account for the large amount of
supplementary discovery with respect to cases selected for intensive

discovery. Since the motion raises issues of prejudice in the selection of cases for intensive discovery, I will want to know how the answers to the Court-ordered interrogatories give rise to categorizing tiers of injury, and how the tiers may be affected by the supplementary discovery responses.

Counsel should be prepared on the full details of the discovery responses of the affected Plaintiffs, including what was produced and when, and the details of the supplementation.

SO ORDERED

Dated: June 5, 2013
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge